



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

January 15, 2009

Via E-mail & Regular Mail

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, D.C. 20426

Dear Ms. Bose:

Eagle Mountain Pumped Storage Hydroelectric Project,
Project No. 13123-000 – California, Comments on Scoping Document 1

The Metropolitan Water District of Southern California (Metropolitan) received a copy of the Scoping Document 1 and Notice of Preparation for a Draft Environmental Impact Report (Draft EIR/EIS) for the Eagle Mountain Pumped Storage Hydroelectric project, Project No. 13123-000 (Project). The California State Water Resources Control Board is acting as the Lead Agency under the California Environmental Quality Act and the Federal Energy Regulatory Commission (FERC) is acting as the Lead Agency under the National Environmental Policy Act for this Project, collectively “Agencies.” The Agencies prepared the Draft EIR/EIS to utilize two existing mining pits to pump and store water to generate power during periods of high demand on federal land near the town of Desert Center, within San Bernardino County. This letter contains Metropolitan’s response to the public notice as a potentially affected public agency.

Metropolitan is a cooperative of 26 cities and water agencies charged with providing a reliable supply of high quality drinking water to 18 million people in six counties in Southern California. One of Metropolitan’s major water supplies is the Colorado River that is delivered through the Colorado River Aqueduct (CRA). The CRA consists of tunnels, open canals, and buried pipelines. CRA-related facilities also include pumping plants, above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into the Los Angeles basin. The CRA commenced delivery of Colorado River water in 1941.

Eagle Crest Energy Company (ECEC) has contacted Metropolitan regarding this proposed Project, and we appreciate these efforts and look forward to continued coordination on this Project. Metropolitan previously provided comments to the FERC for ECEC’s Licensing Process, Project No. 12509 and No. P-13123, in comment letters dated February 11 and

September 15, 2008, respectively, copies of which are enclosed for reference. Our letters identified Metropolitan's concerns regarding the project's potential impact upon the CRA including water quality, groundwater level, hydrocompaction, and structural impacts. We request that the Agencies evaluate impacts of the proposed Project to Metropolitan's existing facilities that occur within the project's boundaries and propose mitigation measures where appropriate.

Specific comments on potential environmental issues for consideration and incorporation into the Draft EIR/EIS are listed below.

Water Supply Alternative Issue

1. The public notice states that water used to fill the reservoirs may be supplied from and would be transferred through the CRA. As stated in prior comment letters, Metropolitan has reached no agreement whatsoever to enable the project to use CRA facilities for water conveyance.

Water Quality Issues

Due to the Project's close proximity to the CRA, Metropolitan has concerns regarding some of the proposed facilities regards to water quality protection. These facilities include the location(s) of wells for groundwater supply, location of brine pond, and other unlisted appurtenant facilities. Project facilities described in the public notice which may potentially have an adverse impact on the water quality of the CRA (or affect other source water management efforts) include the following:

1. The public notice does not specify the locations of the proposed groundwater supply wells. The Draft EIR/EIS should identify and discuss in further details about the proposed wells and their impacts on groundwater quality. In addition, detailed analyses should be conducted on the impacts of pumping and aquifer water quality.

2. Existing groundwater in the vicinity of the Eagle Mountain Project contains several constituents of concern, including total dissolved solids, nitrates, arsenic, and hexavalent chromium. The Draft EIR/EIS should assess the viability of the reverse osmosis method selected and potential treatment alternatives. Additional analysis also should take place to assess potential leaching of heavy metals from the site and any potential impacts on water supplies traveling through the CRA.

Groundwater Levels, Hydrocompaction, and Structural Impacts to the CRA

1. The Draft EIR/EIS should provide sufficient data to indicate how much groundwater levels may rise from reservoir seepage to evaluate potential structural CRA settlement due to hydrocompaction. This analysis should take into account the extremely low tolerance of the

CRA for elevation changes. In addition, the Draft EIR/EIS should also identify potential mitigation measures and evaluate the effectiveness of these measures to the CRA.

2. The Draft EIR/EIS should identify the location of the proposed groundwater supply wells and provide sufficient information to assess the likely potential for subsidence and CRA settlement based on groundwater pumping. A detailed analysis regarding the potential for subsidence should be performed.

3. The Draft EIR/EIS should provide a comprehensive water level analysis. This analysis should include a detailed impacts analysis and hydrographs of projected groundwater levels in the vicinity of the CRA. Metropolitan believes that the water level impacts are greater than indicated and are concerned with potential for land subsidence as a result of groundwater withdrawal.

Land Use Issues

Metropolitan is concerned that locating the reservoirs and related storage/pumping facilities near or across the CRA could have a negative impact on Metropolitan's operations, facilities, and right-of-ways. Metropolitan owns extensive property in fee and easement along the CRA and its related facilities. Metropolitan provides the following specific comments on its concerns regarding potential impacts on its facilities and rights-of-way for the Agencies' consideration and incorporation into the Draft EIR/EIS:

1. Metropolitan's CRA conduit was not designed for AASHTO H-20 loading in this area, and any vehicle crossings should be restricted to the existing paved roadways which have protective slabs in place to distribute this loading away from the pipeline. Any vehicle or equipment which would likely cross the conduit as part of the construction operation of the proposed project will need to be reviewed and approved by Metropolitan prior to traversing the CRA.

2. Metropolitan requests that the Draft EIR/EIS acknowledge that neither private nor public entities currently have any entitlements to build over Metropolitan's fee-owned rights-of-way or properties.

3. Metropolitan's facilities and fee-owned or permanent easement rights-of-way should be considered in planning and in the Draft EIR/EIS, and the Project should avoid potential impacts that may occur due to implementation of the Project.

4. Any new facilities arising out of the Project should not impact accessibility to existing facilities or impede the use of existing facilities, including the CRA system, as shown on the map.

5. Development associated with the proposed Project must not restrict any of Metropolitan's day-to-day operations and/or access to its facilities.

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6. Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to our facilities and properties at all times in order to repair and maintain our system.

7. In order to avoid potential conflicts with Metropolitan's rights-of-way, Metropolitan requires that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Approval of the Project where it could impact Metropolitan's property should be contingent on Metropolitan's approval of design plans for the Project.

8. Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564.

9. To assist in preparing plans that are compatible with Metropolitan's facilities, easements, and properties, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California."

10. All submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.


Other Issues

1. The Draft EIR/EIS need to identify Metropolitan as an agency whose approval is required.

We recommend the Agencies coordinate with Real Property Development and Management Team, Substructures Team, and others, to facilitate your planning process. Other proposed and future facilities and groundwater supply wells identified should involve all Teams to provide the maximum assistance.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving the Draft EIR and EIS on this Project. If we can be of further assistance, please contact Mr. Mathew Hacker at (213) 217-6756.

Very truly yours,

For 

Delaine W. Shane
Manager, Environmental Planning Team

BSM/bsm

(Public Folders/EPU/Letters/12-JAN-09A.doc – Kimberly Bose, FERC, Eagle Mountain Pumped Storage Hydroelectric)

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Enclosure: February 11, 2008 Letter
September 15, 2008 Letter

cc: Mr. Art Lowe
Eagle Crest Energy Company
P.O. Box 2155
Palm Desert, CA 92261